

## **State and feds announce expedited access to Delta plan documents**

Laird and Hayes greenwash peripheral canal plan

by Dan Bacher

*Wednesday Nov 30th, 2011 10:00 AM*

The state and federal governments on November 29 announced the "first step" in responding to the voluminous comments they received criticizing a controversial agreement that fast-tracks the construction of the peripheral canal under the Bay Delta Conservation Plan (BDCP).

Tuesday's press release from the U.S. Department of Interior claimed that Interior, the U.S. Bureau of Reclamation, the California Natural Resources Agency and the California Department of Water Resources "announced a first step in responding to public comments on a draft Memorandum of Agreement (MOA) with California water agencies that will enhance transparency in developing the Bay Delta Conservation Plan (BDCP) by speeding access to draft technical documents."

"This initial step will be followed by additional responses to public comments that have been filed on the MOA," Interior noted.

The "public comments" included letters from unprecedented 242 fishing, tribal and environmental organizations, 17 California Legislators and 11 Members of Congress, who slammed the top-down process that is dominated by corporate agribusiness and water agency interests that export water from the Sacramento-San Joaquin River Delta. To read the entire Environmental Water Caucus letter, go to: <http://www.ewccalifornia.org/reports/moaLetter11-16-11.pdf>.

The letter from the 242 groups stated, "The MOA was negotiated behind closed doors and only serves to reinforce the growing awareness that the BDCP is biased in favor of the export water contractor's agenda to increase exports from the Delta and its connected rivers, despite the documented negative impacts those exports have had on endangered fish species, Delta habitats, water quality and public trust values."

Both Deputy Secretary of the Interior David J. Hayes and Secretary of Natural Resources John Laird extolled the "virtues" of the plan to build the canal or tunnel to export more water to corporate agribusiness and southern California.

"The Bay Delta Conservation Plan may propose the largest habitat restoration project ever to be undertaken in the United States in the largest and most important estuary on the west coast of the Americas," claimed Deputy Secretary of the Interior David J. Hayes. "This needs to be done right, and that is why we are announcing our joint commitment that all parties have access to key documents involved in the development of the BDCP."

"Our expectation is that broad stakeholder understanding of its scientific underpinnings will improve their engagement in both the plan and its implementation," said Secretary of Natural Resources John Laird. "Fish, farmers and the 25 million average Californians who rely on the San Francisco-San Joaquin Delta for water deserve nothing less."

Laird continued: "One thing is absolutely clear as review of the comments on the MOA have begun -- no one wants even the appearance of a special advantage. Thus, while other comments on the MOA will be addressed in coming weeks, there is no need to wait on committing to release all documents to all parties at the same time."

The "enhancement" will be finalized in a letter among the controlling agencies in December, according to Interior. The letter will spell out that key BDCP-related documents will be posted on the internet at <http://www.BayDeltaConservationPlan.com> and made available to all parties for review at the same time. A list of expected release dates will be posted on the website within the week.

I am glad that Laird and Hayes have agreed to releasing all of the controversial BDCP documents "to all parties at the same time." However, I find Laird's comments greenwashing the peripheral canal plan, under the guise of a habitat conservation plan, disturbing.

When he says, "Fish, farmers and the 25 million average Californians who rely on the San Francisco-San Joaquin Delta for water deserve nothing less," Laird echoes the false notion that the only "real stakeholders" regarding the future of the Delta are fish, "farmers" and urban water users, a concept that both the Delta Vision and BDCP fiascos have embodied.

What about Delta residents, boaters, recreational anglers, commercial fishermen, California Indian Tribes, conservationists, environmental justice communities, business owners and all of those other people whose lives depend on the health of the Delta and its fish populations? Laird has to date done nothing to include them in the BDCP Management Committee because he apparently considers water exporters and political hacks to be the only "real" stakeholders.

Barbara Barrigan-Parrilla responded to Interior's release by stating, "The BDCP decides to start releasing science documents because they haven't been transparent. So now we are supposed to trust the science that they are selectively releasing. Judge Wanger, the Delta Smelt judge who retired a few weeks ago, is now a lawyer for the Westlands Water District (Nothing like the growing nexus between corporations and the judiciary in this country.)"

"Phil Isenberg, chair of the Delta Stewardship Council, is telling everyone that the contractors will settle for a 9000 cfs. pipe to grab Delta water, and (drumroll please), the BDCP, which doesn't have a project, released a job description for a project manager to build the tunnel. Qualifications are: he/she must have worked for one of the water contractor groups that wants to take the water."

Laird and Gerald Meral, Deputy Secretary of the Natural Resources Agency, have continued the abysmal environmental policies of Governor Arnold Schwarzenegger in pushing for the construction of a peripheral canal or tunnel through the Bay Delta Conservation Plan.

However, Laird and Hayes have actually eclipsed the Schwarzenegger and Bush administrations in slaughtering Delta fish and Central Valley chinook salmon in the state and federal water project facilities in the South Delta. The Obama and Brown administrations, under the "leadership" of Laird and Hayes, have killed record numbers of Sacramento splittail and other fish in the pumps while exporting record amounts of water out of the Delta this year.

Over 11 million fish, including 9 million Sacramento splittail, have been "salvaged" at the Delta pumps near Tracy in 2011. The previous record salvage number for the splittail, a native minnow found only in the Sacramento-San Joaquin River system, was 5.5 million in 2006.

The other 2 million fish "salvaged" at the pumps include striped bass, largemouth bass, Sacramento River spring chinook salmon, Central Valley steelhead and other species. Yet the numbers salvaged are just a fraction of the actual loss of fish in the pumps; scientific studies

point to the real loss being 5 to 10 times the "salvage" numbers.

(<http://blogs.alternet.org/danbacher/2011/09/09/over-11-million-fish-salvaged-in-delta-death-pumps-since-january-1>).

The state and federal water projects pumped a record 6.5 million acre-feet of water from the Delta in 2011. The previous record, set during the Schwarzenegger and Bush administrations, was 6.3 million acre-feet in 2005.

The peripheral canal or tunnel that Laird and Hayes are pushing will only result in the extinction of protected Central Valley steelhead, Sacramento River chinook salmon, Delta smelt, longfin smelt, Sacramento splittail and green sturgeon because this "improved conveyance" will inevitably result in increased water exports from an estuary that has been ravaged by the current diversions.

The BDCP is in reality a "Bad Delta Canal Plan," not a "Bay Delta Conservation Plan."

The fast-tracking of the peripheral canal plan, authorization of record water exports out of the California Delta and the slaughter of millions of fish in the Delta pumps are not the only environmental policies of the Schwarzenegger administration that Governor Jerry Brown and Natural Resources Secretary John Laird have continued. The Brown administration continues to forge ahead with the implementation of so-called "marine protected areas" created under Governor Arnold Schwarzenegger's Marine Life Protection Act (MLPA) Initiative, privately funded by the Resources Legacy Fund Foundation.

The Initiative created "marine protected areas" that fail to protect the ocean from oil spills and drilling, pollution, military testing, corporate aquaculture, wind and wave energy projects and all other human impacts on the ocean other than fishing and gathering.

In an extreme case of corporate greenwashing, Catherine Reheis-Boyd, the president of the Western States Petroleum Association, served as chair of the MLPA Blue Ribbon Task Force that created these questionable "marine protected areas" on the Southern California coast. She also served on the task forces for the North Central and North Central Coasts.

When not chairing or serving on these rigged MLPA panels, Reheis-Boyd has been busy lobbying for new oil drilling off the California coast, tar sands drilling in Canada ([http://www.calgaryherald.com/business/Alberta+oilsands+green+enough+California/5530495/story.html?cid=megadrop\\_story](http://www.calgaryherald.com/business/Alberta+oilsands+green+enough+California/5530495/story.html?cid=megadrop_story)), and for the weakening of environmental regulations throughout the West. What type of "marine guardian" does this?